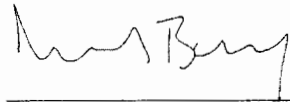


ORIGINAL

Approved:



JONATHAN L. BODANSKY  
Assistant United States Attorney

Before: THE HONORABLE SARAH L. CAVE  
United States Magistrate Judge  
Southern District of New York

22 Mag. 7027

- - - - -	X	:	
UNITED STATES OF AMERICA	:	:	<u>COMPLAINT</u>
- v. -	:	:	Violations of 8 U.S.C.
STALIN CRUZ,	:	:	§§ 1326(a) & (b)(2)
a/k/a "Stalin Cruz-Lopez,"	:	:	COUNTY OF OFFENSE:
Defendant.	:	:	BRONX
- - - - -	X	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

HENRY TSANG, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement, and charges as follows:

COUNT ONE

1. From at least on or about August 24, 2022, in the Southern District of New York and elsewhere, STALIN CRUZ, a/k/a "Stalin Cruz-Lopez," the defendant, being an alien, unlawfully did enter, and was found in, the United States, after having been removed from the United States subsequent to a conviction for the commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) & (b)(2).)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs

Enforcement ("ICE"), assigned to the Enforcement and Removal Operations Criminal Prosecutions Group, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of records maintained by ICE regarding STALIN CRUZ, a/k/a "Stalin Cruz-Lopez," the defendant, as well as my review of criminal history records for CRUZ, I have learned, among other things, the following:

a. CRUZ is a citizen of the Dominican Republic. CRUZ is not and has never been a citizen of the United States.

b. On or about January 14, 2014, CRUZ pleaded guilty in New York County Supreme Court to criminal possession of a controlled substance in the third degree, in violation of New York State Penal Law Section 220.16(1). On or about February 11, 2014, CRUZ was sentenced to two years' imprisonment and two years' post-release supervision.

c. On or about December 16, 2014, CRUZ was removed from the United States (the "2014 Removal") pursuant to an Order of Removal (the "Order of Removal") dated August 18, 2014.

4. Based on my conversations with law enforcement agents from the Drug Enforcement Administration (the "DEA"), as well as criminal history records for STALIN CRUZ, a/k/a "Stalin Cruz-Lopez," the defendant, I have learned, among other things, the following:

a. On or about August 24, 2022, DEA agents (the "Agents") were conducting surveillance in the vicinity of the intersection of Lafayette Avenue and Morrison Avenue in the Bronx, New York ("Location-1"). While conducting their surveillance, the Agents observed a taxi pull up to Location-1, and CRUZ and another male individual ("Suspect-1") exit from the taxi.

b. Suspect-1 then assumed what appeared to be a lookout position nearby, while CRUZ walked to and entered a nearby parked vehicle ("Vehicle-1"). CRUZ was at that time empty-handed.

c. Shortly thereafter, CRUZ exited from Vehicle-1, carrying what appeared to be a heavily weighted bag, and began walking toward Suspect-1, at which time the Agents arrested CRUZ and Suspect-1.

d. Following his arrest, and after being advised of and waiving, in writing, his *Miranda* rights, CRUZ agreed to speak with law enforcement. CRUZ subsequently admitted, in substance and in part, to being involved in the trafficking of narcotics, and stated, in substance in part, that he went to Location-1 for the purpose of taking delivery of approximately 1-2 kilograms of narcotics and approximately \$100,000 from a co-conspirator.

5. Based on my review of records maintained by ICE regarding STALIN CRUZ, a/k/a "Stalin Cruz-Lopez," the defendant, as well as my review of criminal history records for CRUZ, I know that the Order of Removal bears the name "Stalin Cruz-Lopez," and that the date of birth and Federal Bureau of Investigation ("FBI") number for the individual - CRUZ - who was removed pursuant to the Order of Removal match the date of birth and FBI number for the individual - again, CRUZ - who was convicted on or about January 14, 2014 and arrested on or about August 24, 2022, as discussed above.

6. Based on my training and experience with ICE, I understand that criminal possession of a controlled substance in the third degree, in violation of New York State Penal Law Section 220.16(1), qualifies as an "aggravated felony" within the meaning of Section 1326(b)(2) of Title 8 of the United States Code.

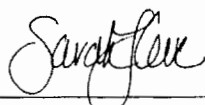
7. A search of all relevant Department of Homeland Security indices has confirmed that, following the 2014 Removal, STALIN CRUZ, a/k/a "Stalin Cruz-Lopez," the defendant, never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission to the United States.

WHEREFORE, the deponent requests that STALIN CRUZ, a/k/a "Stalin Cruz-Lopez," the defendant, be imprisoned or bailed, as the case may be.

**/s Henry Tsang (By Court with auth.)**

HENRY TSANG  
Deportation Officer  
Immigration and Customs  
Enforcement

Sworn to me through the transmission of this Complaint by reliable electronic means, this 25th day of August, 2022.



THE HONORABLE SARAH L. CAVE  
United States Magistrate Judge  
Southern District of New York